

Airport Land Use Commission January 18, 2006

Subject: City of San Luis Obispo Four Creeks rezoning project, Tumbling Waters Disclosure Document

Note: At our October 2005 ALUC hearing your Commission determined that the Four Creeks rezoning project, Tumbling Waters, was Consistent with the Airport Land Use Plan (ALUP). One of the conditions of that determination was to have a Disclosure Document submitted to the ALUC for approval. The City of San Luis Obispo (SLO) is submitting the document below for review and approval. Please also find a section from the California Business and Professions Code that may help formulate the disclosure wording. See section (12), page 2 of the 3 pages attached.

DRAFT DISCLOSURE STATEMENT: Tumbling Waters project

AIRPORT IMPACT

For Purchase – This would be part of a list of General Disclosures to the Buyers that would be signed by the Buyer in order to open a contract for sale.

The purpose of this disclosure is to give you information which may affect your purchase. You should independently verify the information herein.

VICINITY TO AIRPORT. Buyer understands that the Project is in the proximity to the San Luis Obispo County Regional Airport and that the Airport is approximately 3/4 miles from the project. The Project is within the Airport Safety Area S-2 of the Airport Land Use Plan. The Buyer understands that the property may be impacted with noise, vibration, and safety issues from the Airport operations and/or by the operations of aircraft using the airport.

OVER FLIGHT OF PROPERTY. The Buyer understands that the property is subject to a Recorded Avigation Easement and is subject to over flights by aircraft using the San Luis Obispo County Regional Airport.

For CC&R – This would be included in the text

VICINITY TO AIRPORT. The Property is in the proximity to the San Luis Obispo County Regional Airport and that the Airport is approximately 3/4 miles from the project. The Project is within the Airport Safety Zone S-2 of the Airport Land Use Plan. The property may be impacted with noise, vibration, and safety issues from the Airport operations and/or by the operations of aircraft using the airport.

OVER FLIGHT OF PROPERTY. The entire property is subject to a Recorded Avigation Easement and is subject over flights by aircraft using the San Luis Obispo County Regional Airport.

JANUARY 18, 2006

**City of San Luis Obispo; Four Creeks Project
Draft Disclosure Document suggested by Staff and
Commissioner Tefft for the Tumbling Waters Project. City Staff
and the Applicant have agreed to implement this version of a
“Disclosure Document”.**

All owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owners or renters) regarding the property and project known as “Tumbling Waters” will receive full and accurate disclosure concerning the noise, safety, or overflight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties within the airport area. The following information is meant to disclose the information listed above:

1. The project is located within 1 1/2 miles of the San Luis Obispo County Regional Airport.
2. The project is located directly below portions of FAA-designated traffic patterns that will be followed by aircraft departing from and approaching to land at the San Luis Obispo County Regional Airport. The site, therefore, may be subject to noise and vibration from aircraft flying at relatively low altitudes. There is no required minimum altitude for aircraft that are taking off from or approaching to land at an airport.
3. Because of pilot training activities at the San Luis Obispo County Regional Airport, the site may be subjected to repetitive overflight by student pilots practicing take-offs and landings in fixed-wing aircraft. There is no required minimum altitude for aircraft that are taking off from or approaching to land at an airport.
4. The Broad Street corridor is a designated practice area for training of helicopter pilots. This site, therefore, may be subject to repetitive overflight by helicopters at low altitudes and to the noise and vibration associated with such operations. Helicopters are specifically exempted from FAA-designated minimum altitude requirements.

CALIFORNIA CODES
BUSINESS AND PROFESSIONS CODE
SECTION 11010-11023

11010. (a) Except as otherwise provided pursuant to subdivision (c) or elsewhere in this chapter, any person who intends to offer subdivided lands within this state for sale or lease shall file with the Department of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire on a form prepared by the department.

(b) The notice of intention shall contain the following information about the subdivided lands and the proposed offering:

- (1) The name and address of the owner.
- (2) The name and address of the subdivider.
- (3) The legal description and area of lands.

(4) A true statement of the condition of the title to the land, particularly including all encumbrances thereon.

(5) A true statement of the terms and conditions on which it is intended to dispose of the land, together with copies of any contracts intended to be used.

(6) A true statement of the provisions, if any, that have been made for public utilities in the proposed subdivision, including water, electricity, gas, telephone, and sewerage facilities. For subdivided lands that were subject to the imposition of a condition pursuant to subdivision (b) of Section 66473.7 of the Government Code, the true statement of the provisions made for water shall be satisfied by submitting a copy of the written verification of the available water supply obtained pursuant to Section 66473.7 of the Government Code.

(7) A true statement of the use or uses for which the proposed subdivision will be offered.

(8) A true statement of the provisions, if any, limiting the use or occupancy of the parcels in the subdivision.

(9) A true statement of the amount of indebtedness that is a lien upon the subdivision or any part thereof, and that was incurred to pay for the construction of any onsite or offsite improvement, or any community or recreational facility.

(10) A true statement or reasonable estimate, if applicable, of the amount of any indebtedness which has been or is proposed to be incurred by an existing or proposed special district, entity, taxing area, assessment district, or community facilities district within the boundaries of which, the subdivision, or any part thereof, is located, and that is to pay for the construction or installation of any improvement or to furnish community or recreational facilities to that subdivision, and which amounts are to be obtained by ad valorem tax or assessment, or by a special assessment or tax upon the subdivision, or any part thereof.

(11) (A) As to each school district serving the subdivision, a statement from the appropriate district that indicates the location of each high school, junior high school, and elementary school serving the subdivision, or documentation that a statement to that effect has been requested from the appropriate school district.

(B) In the event that, as of the date the notice of intention and application for issuance of a public report are otherwise deemed to

be qualitatively and substantially complete pursuant to Section 11010.2, the statement described in subparagraph (A) has not been provided by any school district serving the subdivision, the person who filed the notice of intention and application for issuance of a public report shall immediately provide the department with the name, address, and telephone number of that district.

(12) (A) The location of all existing airports, and of all proposed airports shown on the general plan of any city or county, located within two statute miles of the subdivision. If the property is located within an airport influence area, the following statement shall be included in the notice of intention:

NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport,

within what is known as an airport influence area. For that reason,

the property may be subject to some of the annoyances or inconveniences

associated with proximity to airport operations (for example: noise,

vibration, or odors). Individual sensitivities to those annoyances can

vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

(B) For purposes of this section, an "airport influence area," also known as an "airport referral area," is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.

(13) A true statement, if applicable, referencing any soils or geologic report or soils and geologic reports that have been prepared specifically for the subdivision.

(14) A true statement of whether or not fill is used, or is proposed to be used in the subdivision and a statement giving the name and the location of the public agency where information concerning soil conditions in the subdivision is available.

(15) On or after July 1, 2005, as to property located within the jurisdiction of the San Francisco Bay Conservation and Development Commission, a statement that the property is so located and the following notice:

NOTICE OF SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION JURISDICTION

This property is located within the jurisdiction of the San Francisco Bay Conservation and Development Commission. Use and development of property within the commission's jurisdiction may be subject to special regulations, restrictions, and permit requirements. You may wish to investigate and determine whether they

3-5

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are acceptable to you and your intended use of the property before you complete your transaction.

(16) Any other information that the owner, his or her agent, or the subdivider may desire to present.

(c) The commissioner may, by regulation, or on the basis of the particular circumstances of a proposed offering, waive the requirement of the submission of a completed questionnaire if the commissioner determines that prospective purchasers or lessees of the subdivision interests to be offered will be adequately protected through the issuance of a public report based solely upon information contained in the notice of intention.